

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

STEVE McALLUM, Individually and on)
behalf of others similarly situated,)
)
Plaintiff,)
)
VS.) Civil Action No. SA-15-CA-1132-XR
)
JCW POWER, LLC and JAMES)
WHETSTONE III,)
)
Defendants.)

DISMISSAL ORDER

On this date, the Court considered the status of this case.

On February 3, this Court issued an order denying the motion to dismiss filed by Defendant James Whetstone III and considering the notice of voluntary bankruptcy filing of JCW Power, LLC. The Court stayed all claims and proceedings against Defendant JCW Power, LLC and directed Plaintiff, no later than February, 17, 2016, to inform the Court whether Plaintiff intends to maintain his action against Defendant James Whetstone, III and whether Plaintiff intends to add claims against James Whetstone, Jr. The Court further ordered both parties to file advisories as to whether claims and proceedings in this action should be stayed against any non-debtor defendants.

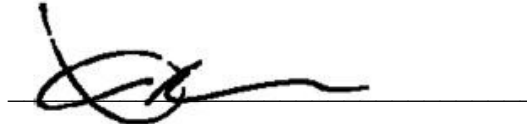
Nothing was filed in response to the Court’s order. The Court therefore issued a Show Cause Order directing Plaintiff to show cause in writing no later than March 14, 2016 why this case should not be dismissed without prejudice for failure to prosecute and/or failure to comply with an order of the Court. The Order warned, “Failure to respond in writing by that date will result in dismissal of this action against all defendants.” Plaintiff has failed to respond to the Show Cause Order, and the time for doing so has expired.

A district court *sua sponte* may dismiss an action for failure to prosecute or to comply with any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). The Court’s authority to dismiss a case for failure to prosecute is based on the Court’s inherent authority to manage and

administer its own affairs to ensure the orderly and expeditious disposition of cases. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962).

Accordingly, the Court ORDERS that this case is DISMISSED WITHOUT PREJUDICE for failure to prosecute and/or failure to comply with an order of the Court. The Clerk is directed to issue a final judgment pursuant to Rule 58 and to CLOSE this case.

SIGNED this 28th day of March, 2016.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', is written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE